

Decision No. 87720 August 16, 1977

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of LEWIS DELIVERY )  
SERVICE for authority to deviate )  
from the rates set forth in )  
Minimum Rate Tariff 2 for delivery )  
of toilet preparations for Avon )  
Products Inc. within a radius of )  
75 miles from Redding. Said )  
authority is sought under Public )  
Utilities Code (Section 3666). )

Application No. 57102  
(Filed February 18, 1977)  
(Amended June 9, 1977)

OPINION AND ORDER

By this application, as amended, Fred C. Lewis, doing business as Lewis' Delivery Service, requests authority to deviate from the provisions of Minimum Rate Tariff 2 in connection with transportation of small shipments of toilet preparations and related articles for Avon Products, Inc., between points within a radius of seventy-five miles of Redding.<sup>1</sup>

The application, as amended, is based on special circumstances and conditions detailed therein.

The application and amendment were listed on the Commission's Daily Calendars of February 23 and June 10, 1977, respectively. California Trucking Association (CTA) informed the Commission that it would expect that this matter be set for hearing unless additional information is forthcoming from applicant.

CTA states:

"This application does not contain sufficient information to enable the Commission to determine whether the proposed rate is related to the cost of performing the service at issue. Costs indicated are lump sum with no indication as to their source or to their thoroughness.

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<sup>1</sup> Inasmuch as applicant's highway contract carrier permit cites Anderson as the base of the carrier's operations, the sought authority will be construed to cover the aforementioned transportation between points within 75 miles of Anderson.

"Applicant indicates flat charges per shipment but gives no indication as to the size of packages to be handled. Applicant also indicates the commodity to be transported is Toilet Preparations for Avon Products. This is too general a description. An examination of Item 395 of MRT 2 indicates that Avon ships many items in addition to toilet preparations. If it is Applicant's intent to handle the full Avon line, the Application does not so indicate."

Applicant filed an amendment to his application on June 9, 1977, setting forth specific revenue and expense data for the transportation in question and clarifying the terms, "package" and "shipment." The commodity description will include certain other articles as described in Item 395 of MRT 2.

Supplemental revenue and expense data submitted by applicant are sufficient to determine that the transportation involved may reasonably be expected to be profitable under the proposed rates.

In the circumstances, the Commission finds that applicant's proposal is reasonable. A public hearing is not necessary. The Commission concludes that the application should be granted as set forth in the ensuing order and the effective date of the order should be the date hereof because there is an immediate need for this rate relief.

IT IS ORDERED that:

1. Fred C. Lewis is authorized to perform the transportation shown in Appendix A attached hereto and by this reference made a part hereof at not less than the rates set forth therein.
2. The authority granted herein shall expire one year after the effective date of this order unless sooner cancelled, modified or extended by further order of the Commission.

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The effective date of this order is the date hereof.

Dated at San Francisco, California, this 16<sup>th</sup>  
day of AUGUST, 1977.

I dissent:  
William Guon Jr.

Robert Baldwin  
President

I dissent  
Vernon L. Sturgeon

Richard D. Howell  
Clare J. DeWick  
Commissioners

Fred C. Lewis, doing business as Lewis' Delivery Service, is authorized to transport toilet preparations and other articles as described in Lists 1 and 2 of Items 395 and 396 of Minimum Rate Tariff 2 for Avon Products, Inc., between points within a radius of seventy-five miles of Anderson; subject to the following rates and conditions:

<u>Miles</u>		<u>Rates in Cents per Shipment</u>
<u>Over</u>	<u>But Not Over</u>	
0	25	175
25	75	250

Conditions:

1. Transportation shall be performed for Avon Products, Inc. at least once every other week on the day specified by shipper.
2. Each shipment shall consist of one to four cases not exceeding 45 pounds per case.
3. Applicant has not indicated that subhaulers will be engaged nor have any costs of subhaulers been submitted. Therefore, if subhaulers are employed, they shall be paid no less than the rates authorized herein without any deduction for use of applicant's trailing equipment.
4. In all other respects, the rates and rules in Minimum Rate Tariff 2 shall apply.

(END OF APPENDIX A)